

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-00279-CKK**

ELECTRONIC PRIVACY INFORMATION CENTER v. U.S.  
 CUSTOMS AND BORDER PROTECTION  
 Assigned to: Judge Colleen Kollar-Kotelly  
 Cause: 05:552 Freedom of Information Act

Date Filed: 02/01/2019  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ELECTRONIC PRIVACY  
 INFORMATION CENTER**

represented by **Alan Jay Butler**  
 ELECTRONIC PRIVACY  
 INFORMATION CENTER  
 1718 Connecticut Avenue, NW  
 Suite 200  
 Washington, DC 20009  
 (202) 483-1140 ext 103  
 Fax: (202) 483-1248  
 Email: [butler@epic.org](mailto:butler@epic.org)  
*ATTORNEY TO BE NOTICED*

**Marc Rotenberg**  
 ELECTRONIC PRIVACY  
 INFORMATION CENTER  
 1718 Connecticut Avenue, NW  
 Suite 200  
 Washington, DC 20009  
 (202) 483-1140, ext 106  
 Fax: (202) 483-1248  
 Email: [rotenberg@epic.org](mailto:rotenberg@epic.org)  
*ATTORNEY TO BE NOTICED*

**Jeramie D. Scott**  
 ELECTRONIC PRIVACY  
 INFORMATION CENTER  
 1718 Connecticut Avenue, NW  
 Suite 200  
 Washington, DC 20009  
 (202) 483-1140  
 Fax: (202) 483-1248  
 Email: [jscott@epic.org](mailto:jscott@epic.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. CUSTOMS AND BORDER  
 PROTECTION**

represented by **April Denise Seabrook**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2525  
 Fax: (202) 252-2599  
 Email: [april.seabrook@usdoj.gov](mailto:april.seabrook@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
------------	---	-------------

02/01/2019	<u>1</u>	COMPLAINT against U.S. CUSTOMS AND BORDER PROTECTION ( Filing fee \$ 400 receipt number 0090-5922587) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons Customs and Border Protection, # <u>4</u> Summons US Attorney)(Scott, Jeramie) (Entered: 02/01/2019)
02/04/2019		Case Assigned to Judge Colleen Kollar-Kotelly. (zef, ) (Entered: 02/04/2019)
02/04/2019	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. Attorney, and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 02/04/2019)
02/07/2019	<u>3</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 2/7/19. (DM) (Entered: 02/07/2019)
02/20/2019	<u>4</u>	NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Main Document 4 replaced on 2/22/2019) (zjf). (Entered: 02/20/2019)
02/20/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/11/2019. Answer due for ALL FEDERAL DEFENDANTS by 3/13/2019. (Scott, Jeramie) (Entered: 02/20/2019)
02/20/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/11/2019. (Scott, Jeramie) (Entered: 02/20/2019)
02/20/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 2/11/2019 (Scott, Jeramie) (Entered: 02/20/2019)
02/20/2019	<u>8</u>	NOTICE of Appearance by Alan Jay Butler on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Butler, Alan) (Main Document 8 replaced on 2/22/2019) (zjf). (Entered: 02/20/2019)
03/12/2019	<u>9</u>	NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 03/12/2019)
03/12/2019	<u>10</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. CUSTOMS AND BORDER PROTECTION (Seabrook, April) (Entered: 03/12/2019)
03/13/2019		Minute Order. The Court is in receipt of Defendant's <u>10</u> Motion for Extension of Time to File Answer, and Memorandum of Support Thereof. Currently, Defendant's Answer is due March 13, 2019. Defendant indicates that Plaintiff opposes the relief requested. The Court ORDERS Plaintiff to file a Response to Defendant's Motion by close of business on MARCH 14, 2019. The Court GRANTS an extension on Defendant's Answer until MARCH 18, 2019, in order to consider Plaintiff's Response. Signed by Judge Colleen Kollar-Kotelly on 3/13/2019. (lcckk3) Modified on 3/13/2019 to correct grammar typo (kt). (Entered: 03/13/2019)
03/13/2019		Set/Reset Deadlines: Plaintiff to file a Response to Defendant's Motion by close of business on 3/14/2019; Defendant's Answer due by 3/18/2019. (kt) (Entered: 03/13/2019)
03/13/2019	<u>11</u>	Memorandum in opposition to re <u>10</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 03/13/2019)
03/14/2019		Minute Order. The Court is in receipt of Defendant's <u>10</u> Motion for Extension of Time to File Answer, and Memorandum of Support Thereof and Plaintiff's <u>11</u> Memorandum in Opposition to Defendant's Motion for Extension of Time. Currently, Defendant's Answer is due March 18, 2019. Defendant reports that, despite attempts, an attorney from United States Customs and Border Patrol has not yet been assigned to this matter. However, Defense counsel expects to be able to consult with a CBP attorney shortly. Additionally, Defense counsel was out of the office for several weeks on extended leave and has multiple other litigation deadlines within a short span of time. In light of this information, Defense counsel requests an approximately 30-day extension to file a

		responsive pleading. Defense counsel apologizes to the Court for not filing the motion four business days prior to the deadline. Plaintiff opposes the relief requested arguing that good cause has not been shown to grant an extension. Considering the arguments of both parties, the Court GRANTS Defendant's Motion. This extension will allow time for Defense counsel to review the FOIA request, to confer with CBP counsel, and to draft the responsive pleading. The Court ORDERS Defendant to file its Answer by APRIL 12, 2019. No further extensions will be granted for this filing. Signed by Judge Colleen Kollar-Kotelly on 3/14/2019. (lcckk3) (Entered: 03/14/2019)
03/14/2019		Set/Reset Deadlines: Answer due by 4/12/2019. (dot) (Entered: 03/14/2019)
04/12/2019	<u>12</u>	ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION.(Seabrook, April) (Entered: 04/12/2019)
04/12/2019	<u>13</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 4/12/2019. (lcckk3) (Main Document 13 replaced on 4/15/2019) (zdot). (Entered: 04/12/2019)
04/12/2019		Set/Reset Deadlines: Meet & Confer Statement due by 5/3/2019. (dot) (Entered: 04/15/2019)
05/03/2019	<u>14</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Seabrook, April) (Entered: 05/03/2019)
05/03/2019		Minute Order. The Court is in receipt of the parties' <u>14</u> Joint Status Report. Defendant reports that it has commenced a search for documents responsive to Plaintiff's FOIA request. Defendant has located approximately 1,200 responsive pages and cannot estimate when the search will be complete or the final number of potentially responsive pages. Defendant has begun processing records and will make its first production on May 17, 2019. The parties have agreed that Defendant will make rolling productions of non-exempt portions of records on the 17th day of each month, or if the 17th falls on a weekend or holiday, the next business day. Defendant will process 500 pages at minimum for each production. Defendant does not anticipate requesting an Open America stay but does anticipate that a Vaughn index will be required. The Court ORDERS the parties to file another Joint Status Report on JUNE 3, 2019. The parties are further ORDERED to file additional Joint Status Reports every 60 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Courts attention. Signed by Judge Colleen Kollar-Kotelly on 5/3/2019. (lcckk3) (Entered: 05/03/2019)